

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2017-44

A BY-LAW to rescind By-law No. 2011-03 and to establish and regulate the South Dundas Fire & Emergency Services.

WHEREAS *the Municipal Act, 2001*, as amended, provides that municipal powers shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

WHEREAS *the Fire Protection and Prevention Act, S.O. 1997*, as amended, permits Council to establish, maintain and operate a Fire Department for all or any part of the municipality;

AND WHEREAS the Council of the Municipality of South deems it expedient to update and outline the rules and regulations for the South Dundas Fire & Emergency Services;

NOW THEREFORE the Council of the Corporation of the Municipality of South Dundas enacts as follows:

- 1.** That the rules and regulations contained in the By-law as set out in Schedule "A" attached hereto and forming part of this By-law shall be hereby adopted.
- 2.** That all Appendices contained in the By-law attached hereto and forming part of this By-law shall be hereby adopted.
- 3.** That By-law No. 2011-03 is hereby repealed in its entirety.
- 4.** This By-law shall come into force and effect on the date of passing.

READ and passed, signed and sealed in open Council, this 6th day of June, 2017

MAYOR

CLERK

Schedule "A"
To By-law No. 2017-44

1. DEFINITIONS

In this By-law, unless the context otherwise requires:

- 1.1 "Approved" means approved by the Council;
- 1.2 "CAO" means the Chief Administrative Officer appointed by Council to act as Chief Administrative Officer for the Corporation or his/her designate;
- 1.3 "Corporation/Municipality" means The Corporation of the Municipality of South Dundas;
- 1.4 "Council" means the Council of the Corporation of the Municipality of South Dundas;
- 1.5 "Deputy Fire Chief" means the person appointed by Council to act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief or his/her designate;
- 1.6 "Division" means a division of the Fire Department as provided for in this By-law;
- 1.7 "Fire Chief" means the Director of Fire & Emergency Services as appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA or his/her designate;
- 1.8 "Fire Department" means Iroquois, Morrisburg and Williamsburg Fire Stations;
- 1.9 "Firefighter" means a Fire Chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter;
- 1.10 "FPPA" means the Fire Protection and Prevention Act, 1997, S.O., as may be amended from time to time, or any successor legislation, and any regulation made thereunder;
- 1.11 "Fire Protection Services" includes fire suppression, fire prevention, fire safety education, communications, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services; and,
- 1.12 "Limited Services" means a variation of services significantly differentiation from norm as a result of extenuating circumstances, such as environmental factors, obstructions, remote properties, private roadways, lanes and driveways.

2. ESTABLISHMENT

- 2.1 The Fire Department is established under this By-law to provide Fire & Emergency Services for the Corporation and shall be known as the South Dundas Fire & Emergency Services.

- 2.2 The Fire Department's mission statement is attached as per Appendix "A" forming part of this By-law.

3. COMPOSITION

- 3.1 The Fire Department shall consist of the Fire Chief, Deputy Chiefs, Captains, Firefighters, other Officers, Administrative Support Staff and any other member as may be authorized or considered necessary from time to time by Council for the Fire Department to perform fire protection services.
- 3.2 The Fire Department shall be structured in conformance with the approved organization chart as per Appendix "B" forming part of this By-law.

4. EMPLOYMENT

- 4.1 The Fire Chief may recommend to the CAO, the employment in, or the appointment to the Fire Department, as the case may be, of any person, as an officer or member or as administrative support staff, who meets the qualifications and, if applicable, completes successfully criteria (including without limitation training courses and physical, skills and other examinations) and otherwise satisfies any hiring policies, practices or procedures established or approved by Council for such employment or appointment.
- 4.2 Deputy Chiefs, and Captains shall be appointed by the Fire Chief as required and shall serve a probationary period of one year before appointment to permanent Officer status.
- 4.3 Firefighters shall be appointed by the Fire Chief following successful completion of the South Dundas Fire & Emergency Services Firefighter recruitment procedure and every Firefighter shall serve a probationary period of one year before appointment to permanent Firefighter status.
- 4.4 The Fire Chief, in consultation with the CAO, may suspend or dismiss any Firefighter for insubordination, inefficiency, gross misconduct, or repeated failure to attend practices or fires.
- 4.5 No Firefighter shall remain an active Firefighter of the Department after attaining the age of 65. Between the ages of 60 and 65 Firefighters wishing to remain on active duty shall undergo an annual evaluation to determine suitable duties and provide a letter from his/her doctor confirming their fitness for such duties. The cost for any such letter or evaluation shall be the responsibility of the Municipality.

5. TERMS AND CONDITIONS OF EMPLOYMENT

- 5.1 Subject to the FPPA, the remuneration and other terms and conditions or employment or appointment of the Firefighters and Administrative Support Staff that comprise the Fire Department shall be determined by Council or by the CAO acting in accordance with policies and programs established or approved by Council.

6. ORGANIZATION

- 6.1 The Fire Department shall be organized into divisions such as:

- 6.1.1 Administrative Services;
 - 6.1.2 Fire Suppression, Rescue and Emergency Services;
 - 6.1.3 Training;
 - 6.1.4 Fire Prevention & Public Education & Safety; and,
 - 6.1.5 Communication.
- 6.2 The Fire Chief, with prior approval of the CAO, may re-organize or eliminate divisions or establish other divisions or may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the Fire Department and the effective management of fire protection services for the Corporation.
- 6.3 The Fire Chief may assign or re-assign such Firefighters to a division to assist him/her in the administration and operation of that division.

7. LEVELS OF SERVICE

- 7.1 The South Dundas Fire & Emergency Service shall provide such approved services as specified and listed in Appendix "D" forming part of this By-law.
- 7.2 Due to the fire service reliance upon on call Firefighters the geographic configuration of the Municipality, the level and amount of equipment at the departments disposal, and other budgetary constraints, the service listed in Appendix "D", although approved, may be provided as "limited services" as defined.
- 7.3 The Municipality of South Dundas accepts no liability for the delay or inability to supply the services set out in Appendix "D" of this By-law due to the provision of its approved services as limited services or due to the existence of unsafe conditions encountered in route, impeded access to property, and/or environmental factors/constraints.

8. RESPONSIBILITIES AND AUTHORITY OF FIRE CHIEF

- 8.1 The Fire Chief shall be the head of the Fire Department and is ultimately responsible to Council, through the CAO, for proper administration and operation of the Fire Department including the delivery of fire protection services.
- 8.2 The Fire Chief shall be authorized to make such general orders, policies, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of the fire protection services for the Corporation and for the prevention, control and extinguishment of fires, the protection of life and property and the management of emergencies and, without restricting the generality of the foregoing:
- 8.2.1 For the care and protection of all property belonging to the Fire Department;

- 8.2.2 For arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
- 8.2.3 For determining and establishing the qualifications and criteria for employment or appointment and the duties of all Firefighters and Administrative Support Staff of the Fire Department;
- 8.2.4 For the conduct and the discipline of Firefighters and Administrative Support Staff of the Fire Department;
- 8.2.5 For preparing and, upon approval by the Council, implementing and maintaining an emergency fire service plan and program for the Corporation;
- 8.2.6 For coordinating any emergency fire service plan and program adopted or to be adopted by the Council with, and assisting in the preparation, implementation and maintenance of any emergency plans, organizations, services or measures established, or to be established by the Corporation, alone or with others, and, if so requested or required, any emergency plan established or to be established by the Province of Ontario or the Government of Canada and for coordinating with and assisting any other public official in an emergency declared by the Mayor of the Corporation, the Premier of Ontario or the Governor in Council;
- 8.2.7 For reporting to the appropriate crown attorney or other prosecutor or law enforcement officer or other officer, the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence or in which there is reason to believe an offence has been committed under the FPPA;
- 8.2.8 For keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Fire Department;
- 8.2.9 For keeping such other records as may be required by the Council and the FPPA; and,
- 8.2.10 For preparing and presenting the annual estimates of the Fire Department to the CAO and the Council and for exercising control over the budget approved by the Council for the Fire Department, provided that such general orders, policies, procedures, rules, regulations, and other measures do not conflict with the provisions of this By-law or any other By-law of the Corporation, including without limitation those requiring the prior approval of or prior notice to the Council or the satisfaction of certain conditions, general or otherwise, specified by the Council before such measures can be implemented, or with the provisions of the FPPA or with the provisions of any collective agreement or other written agreement that may be applicable.

- 8.3 The Fire Chief shall be responsible for the administration and enforcement of this By-law and all general orders, policies, procedures, rules, and regulations made under this By-law and for the enforcement of any other By-laws of the Corporation respecting fire protection services, and shall review periodically such laws, and may for this purpose, establish an advisory committee consisting of such officers and other persons, including Firefighters of the general public as the Fire Chief may determine from time to time to assist him in the discharge of this duty and, in the case of such By-laws, including this By-law, recommend to the Council such amendments as the Fire Chief considers appropriate and, in the case of general orders, policies, procedures, rules, and regulations made under this By-law, revise or terminate any of them if the Fire Chief considers it appropriate.
- 8.4 The Fire Chief shall have all powers, rights and duties assigned to a Fire Chief under the FPPA including without limitation the authority to enforce compliance with the fire code.
- 8.5 The Fire Chief may liaise with any association representing Firefighters or Administrative Support Staff of the Fire Department or any of them.
- 8.6 The Fire Chief may liaise with the Office of the Fire Marshal of Ontario and any other office or organization as required by Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of the fire protection services for the Corporation.
- 8.7 The Fire Chief may utilize such Firefighters and Administrative support Staff of the Fire Department as the Fire Chief may determine, from time to time, to assist in the performance of his/her duties.

9. DEPUTY FIRE CHIEFS

- 9.1 The Deputy Fire Chiefs shall be the second ranking officers of the Fire Department and shall be subject to and shall obey all orders of the Fire Chief and shall perform such duties as are assigned to him or her by the Fire Chief and shall act on behalf of the Fire Chief in case of absence or a vacancy in the office of Fire Chief.

10. SUPERVISION

- 10.1 The Firefighters and Administrative Support Staff of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking officer present in any place.

11. GENERAL DUTIES AND RESPONSIBILITIES

- 11.1 Every Firefighter and Administrative Support Staff person shall conduct themselves in accordance with general orders, policies, procedures, rules and regulations made by the Fire Chief and shall give their whole and undivided attention while on duty to the efficient operation of the Fire Department and shall perform the duties assigned to them to the best of their ability in accordance with the FPPA and any collective agreement or other written agreement that may be applicable.

12. PROPERTY

- 12.1 No person shall supply any apparatus, equipment or other property of the Fire Department for any personal or private use.
- 12.2 No person shall willfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to or used by the Fire Department.

13. FIRE SUPPRESSION

- 13.1 The Fire Department may suppress any fire or other hazardous condition by extinguishing it or by other reasonable action and, for this purpose, may enter private property, if necessary, to do so.
- 13.2 The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.

14. EMERGENCY RESPONSES OUTSIDE THE LIMITS OF THE MUNICIPALITY

- 14.1 The Fire Department shall not respond to a call with respect to a fire or emergency outside the territorial limits of the Corporation except with respect to a fire or emergency:
 - 14.1.1 That, in the opinion of the Fire Chief or designate of the Fire Department, threatens property in the territorial limits of the Corporation or property situated outside the territorial limits of the Corporation that is owned or occupied by the Corporation;
 - 14.1.2 In a municipality with which an approved automatic aid or mutual aid agreement has been entered into to provide fire protection services;
 - 14.1.3 On property with which an approved agreement has been entered into with any person or corporation to provide fire protection services;
 - 14.1.4 At the discretion of the Fire Chief, to a municipality authorized to participate in any county, district or regional mutual aid plan established by a fire co-coordinator appointed by the fire marshal or any other similar reciprocal plan or program; and,
 - 14.1.5 On property beyond the territorial limits of the Corporation where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate Fire Department is notified to respond and assume command or establish alternative measures, acceptable to the fire chief or designate.

15. INTERFERENCE

- 15.1 No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.

16. FIRE ALARM

16.1 No person shall prevent, obstruct or interfere in any manner whatsoever with the communication of a fire alarm to the Fire Department or with the Fire Department responding to a fire alarm that has been activated.

17. OFFENCES

17.1 Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to the penalty established by the Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended or replaced from time to time.

18. SEVERABILITY

18.1 If any section or part of this By-law is found to be illegal or beyond the power of the Corporation, such section or part or item shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such.

APPENDIX "A"

to By-law 2017-44

MISSION STATEMENT

To protect life, property and the environment through fire prevention, education, fire suppression and rescue.

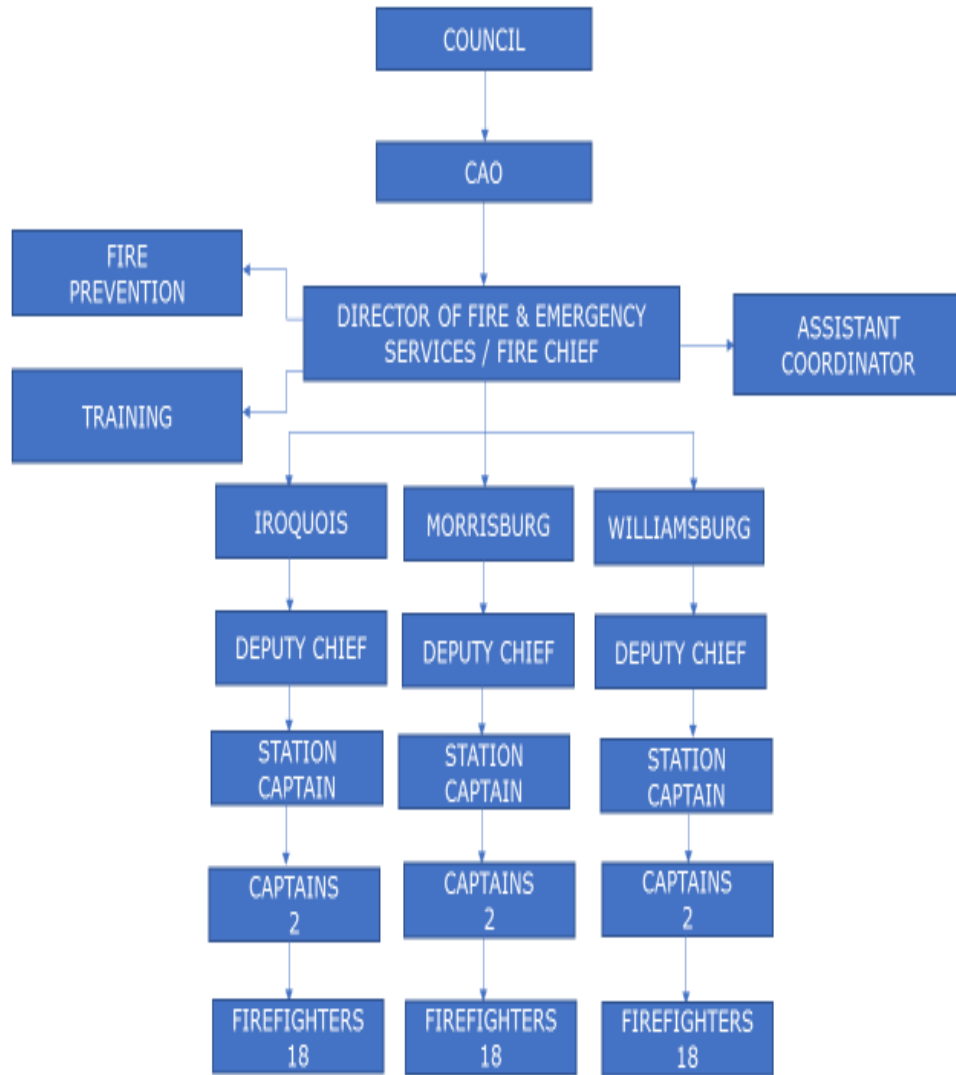
Providing programs and activities that protect the Municipality of South Dundas, its residents and visitors from adverse effects of fire, sudden medical emergencies or exposure to dangerous conditions created by man or nature.

Provide the best service for the public out our station doors in a safe and efficient manner and at the end of the day, everyone goes home.

APPENDIX "B"

To By-law No. 2017-44

**SOUTH DUNDAS FIRE & EMERGENCY SERVICES
ORGANIZATIONAL CHART**



APPENDIX "C"

to By-law No. 2017-44

PRIMARY GOALS & OBJECTIVES OF THE FIRE SERVICE

The goal of the Fire Service is to efficiently and professionally provide protection from adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature that may threaten lives and property. We strive to do so, using a wide variety of programs varying from prevention to response, in a safe and courteous manner first to the Municipality, second to those Municipalities requiring assistance through SD&G County Mutual Aid.

Primary objectives of the Fire Service:

In order to achieve the goal of the Fire Service, necessary capital must be in place and the following objectives met:

1. Identify and review the fire services requirements on an ongoing basis.
2. Provide an administration process consistent with the needs of the service.
3. Ensure that firefighting equipment and operating personnel are available within the Municipality to provide adequate response to a citizen's call within a reasonable time.
4. Provide Department training to an accepted standard, which will ensure the continual upgrading of all personnel, and to co-operate with other Municipal Departments with respect to management training and other programs.
5. Provide a maintenance program to ensure all fire protection apparatus, including allied equipment is ready to respond to emergency calls.
6. Provide an effective fire prevention program to:
 - a. Ensure, through plan examination and inspection, that the required fire protective equipment is installed and maintained within buildings;
 - b. Reduce or eliminate fire hazards through education, and,
 - c. Ensure compliance with applicable Municipal, Provincial and Federal Fire Prevention Legislation, Statutes, Codes in respect to fire safety.
7. Maintain an effective public information system and educational programs, with emphasis on school's fire safety programs, and commercial, industrial and institutional staff training.
8. Ensure in the event of a major catastrophe in the Municipality, that assistance to cope with situation is available from outside Departments and other Agencies.
9. Develop and maintain a good working relationship with all Federal, Provincial and Municipal Departments, utilities and Agencies.
10. Interact with other Municipal Departments regarding fire safety on any given program.
11. Ensure these objectives are consistent with overall Municipal operations.

APPENDIX "D"

to By-law No. 2017-44

LEVELS OF SERVICE

1. FIRE SUPPRESSION AND EMERGENCY RESPONSE

- 1.1 Structural firefighting including limited internal rescue & fire attack in accordance with the fire department's level of training, standard operating guidelines, Occupational Health and Safety Guidelines and the number and type of personnel and equipment available to the department and on each specific emergency response.
- 1.2 Vehicle firefighting.
- 1.3 Grass, brush firefighting.
- 1.4 Basic medical assist with defibrillation.
- 1.5 Hazardous materials - awareness level.
- 1.6 Vehicle accidents.
- 1.7 Vehicle extrication.
- 1.8 Transportation incidents involving vehicles, trains, aircraft.
- 1.9 Public assistance.
- 1.10 Other agencies assistance.
- 1.11 Confined space rescue – awareness only.
- 1.12 Trench rescue – awareness only.
- 1.13 Water Rescue – shore base only.
- 1.14 Mutual aid.
- 1.15 Participation in community emergency plan.

2. TRAINING

- 2.1 Provide Fire Departmental training to the NFPA standard, or any other training approved by the Fire Chief, which will ensure the continuous up-grading of all personnel in the latest technique of fire prevention, firefighting and control of emergency situations.

3. FIRE PREVENTION POLICY STATEMENT

To proactively reduce the risk to life and loss of property by increasing the awareness and knowledge to the community and our citizens with respects to fire and injury prevention, by ensuring that compliance with the applicable codes, acts, By-laws and other accepted fire and life safety standards and programs are implemented and evaluated through monitoring the causes and origins of fire loss and injury within the Municipality of South Dundas.

- 3.1 General - The Fire Protection and Prevention Act, 1997, states:

- (1) every municipality shall;
 - (a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and,
 - (b) provide other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

3.2 Smoke Alarm Program

The objective of the smoke alarm program is the provision, installation and maintenance of a working smoke alarm in every residential occupancy in the municipality. Activities to help achieve this goal include:

- distribution of pamphlets or other education material;
- instruction to residents regarding smoke alarms;
- instructions to residents regarding and home escape planning and fire safe behavior;
- providing advice and/or assistance on the installation of the smoke alarms; and,
- inspection of residences to determine compliance with the smoke alarm provisions of the Fire Code.

3.3 Public Education Programs

The Fire Chief and Firefighters will provide a variety of fire prevention education programs for the municipality's population. Priority will be given to those groups/segments of the municipality that are at greatest risk. Presently, those groups are school aged children and senior citizens. Fire safety education material may be distributed to residents/occupants by any combination of the following activities:

- distribution of pamphlets or other education material;
- public events within the community, such as fairs and home shows;
- public service announcements utilizing available media
- instruction to residents/occupants on fire safety matters (for example, presentations to community groups such as scouts, brownies, seniors, child caregivers, etc.)
- public education material will address such issues as preventing fire occurrence, planning to escape from fire, being prepared to deal with a fire incident, the value of smoke alarms and injury prevention; and,
- the public may also request station tours or on site presentations and the public educator will make arrangements and assign personnel to conduct the tours.

3.4 Inspections

It is the policy of this Fire Department to conduct or arrange for fire prevention/safety inspections of occupancies upon request, complaint or through an annual inspection program, to assess the occupant/owner's compliance with the fire code. The Office of the Fire Marshal can provide advice and assistance with the inspection program if required. Any inspection of an occupancy must include notification of the property owner or responsible party, appropriate follow-up and enforcement as necessary. Inspections will be carried out on all other premises upon request or complaint.

3.5 Open Air Burning

Open air burning is only permitted as per the Ontario Fire Code. Any burning will only be conducted with the approval of the Fire Chief in accordance with the Open Air Burn By-law of the Municipality of South Dundas

3.6 Carbon Monoxide Program

The objective of the Carbon Monoxide Program is the provision, installation and maintenance of a working carbon monoxide detector in every residential dwelling. Activities to help achieve this goal include: * distribution of pamphlets or other education material * instruction to residents regarding carbon monoxide detector ** providing advice and/or assistance on the installation of the carbon monoxide detector * inspection of residences to determine compliance with the carbon monoxide detector provisions of the Fire Code.

Conclusion:

This By-law provides for the participation of all Fire Fighters involving prevention and public education activities. It also addresses the types and frequency of inspections directed by Council. This By-laws intended as firm direction to the Fire Chief, the Fire Department and the public.